

Memorandum to the City of Markham Committee of Adjustment

April 24th, 2025

File: A/022/25
Address: 22 Paradise Avenue, Markham
Agent: Gregory Design Group (Shane Gregory)
Hearing Date: Wednesday, April 30th, 2025

The following comments are provided on behalf of the East Team:

The applicant is requesting relief from the following requirements of By-law 2024-19, RES-ENLR, as amended, as it relates to a proposed covered front porch for an existing residential dwelling to permit:

a) By-law 2024-19, Section 4.8.10.1(a): a porch with a depth of 1.32 m, whereas the by-law requires a porch with a minimum depth of 1.8 m; and

b) By-law 2024-19, Section 6.3.2.2(f): a minimum front yard setback of 9.92 m, whereas the by-law requires a minimum front yard setback of 14.4 m.

BACKGROUND

Property Description

The 713.55 m² (7680.59 ft²) subject property is located on the West side of Paradise Avenue, South of Highway 7 East and East of Main Street Markham South. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property including a mature tree in the front yard.

There is an existing detached dwelling on the property, which according to assessment records was constructed in 1956.

Proposal

The applicant is proposing to construct an aluminium porch cover above the existing front porch and an aluminium boxing design feature around the garage.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on April 9/18)

The Official Plan designates the subject property "Residential Low Rise", which provides for low rise housing forms including single detached dwellings. Section 8.2.3.5 of the Official Plan outlines infill development criteria for the "Residential Low Rise" designation with respect to height, massing and setbacks. These criteria are established to ensure that infill developments are appropriate for the site and generally consistent with the zoning requirements for adjacent properties and properties along the same street, while accommodating a diversity of building styles. In considering applications for development approval in a "Residential Low Rise" area, which includes variances, development is required to meet the general intent of the above noted development criteria. In addition, regard shall be had for the retention of existing trees and vegetation. Planning Staff have had regard for the requirements of the infill development criteria in the preparation of the comments provided below.

Zoning By-Law 2024-19

The subject property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, as amended, which permits detached dwellings. The proposal does not comply with the zoning by-law with respect to the front porch depth, and the minimum front yard setback. Further details on the variances are provided in the comment section below.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, *“Due to the fact that the existing house and front porch were built adhering to the previous By-law and is already closer to the front lot line than the established building line determined through By-law 2024-19.”*

Zoning Preliminary Review (ZPR) Not Undertaken

The owner has confirmed that a Zoning Preliminary Review (ZPR) has not been conducted. However, the applicant has received comments from the building department through their permit process (24.200165 HP) to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Reduced Front Porch Depth

The applicant is requesting relief to permit a minimum front porch depth of 1.32 m, whereas the By-law requires a porch with a minimum depth of 1.8 m. This represents a reduction of approximately 0.48 m. The variance would enable the proposed porch awning to be constructed on the existing porch on the subject property.

Staff note that the proposal relates to the addition of a porch covering to the existing porch footprint. As such, Staff are of the opinion that the requested variance is minor in nature and will have limited impact on the neighbourhood.

Reduced Front Yard Setback

The applicant is requesting relief to permit a minimum front yard setback of 9.92 m, whereas the By-law requires a minimum front yard setback of 14.4 m. This represents a reduction of approximately 4.48 m. The existing building does not comply with the development standards for the front yard setback. Though there is no substantial change to the existing building footprint, the variance was triggered due to the proposed aluminium boxing design feature projecting from the existing garage wall. The projection is relatively modest. The main front wall of the building on the subject property is generally consistent with the established front yard setback pattern on the street.

The variance is in part attributed to the unique lot configuration of the neighbouring properties as the average front yard setback from the established building line is measured

from the neighbouring lots. Due to the neighbouring lot to the South of the subject property being a corner lot with a unique shape, the minimum front yard setback required is greater than it would be had both neighbouring lots had similar lot configurations to the subject property. As such, Staff are of the opinion that the requested variance is minor in nature and will have limited impact on the neighbourhood.

PUBLIC INPUT SUMMARY

No written submissions were received as of April 22nd, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

APPENDICIES

Appendix "A" – A/022/25 Conditions of Approval

Appendix "B" – Plans

PREPARED BY:



Erin O'Sullivan, Development Technician, Committee of Adjustment

REVIEWED BY:



Carlson Tsang, Senior Planner, East District

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/022/25

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as 'Appendix B' to this Staff Report and received by the City of Markham on March 11th, 2025, and that the Secretary-Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;

CONDITIONS PREPARED BY:

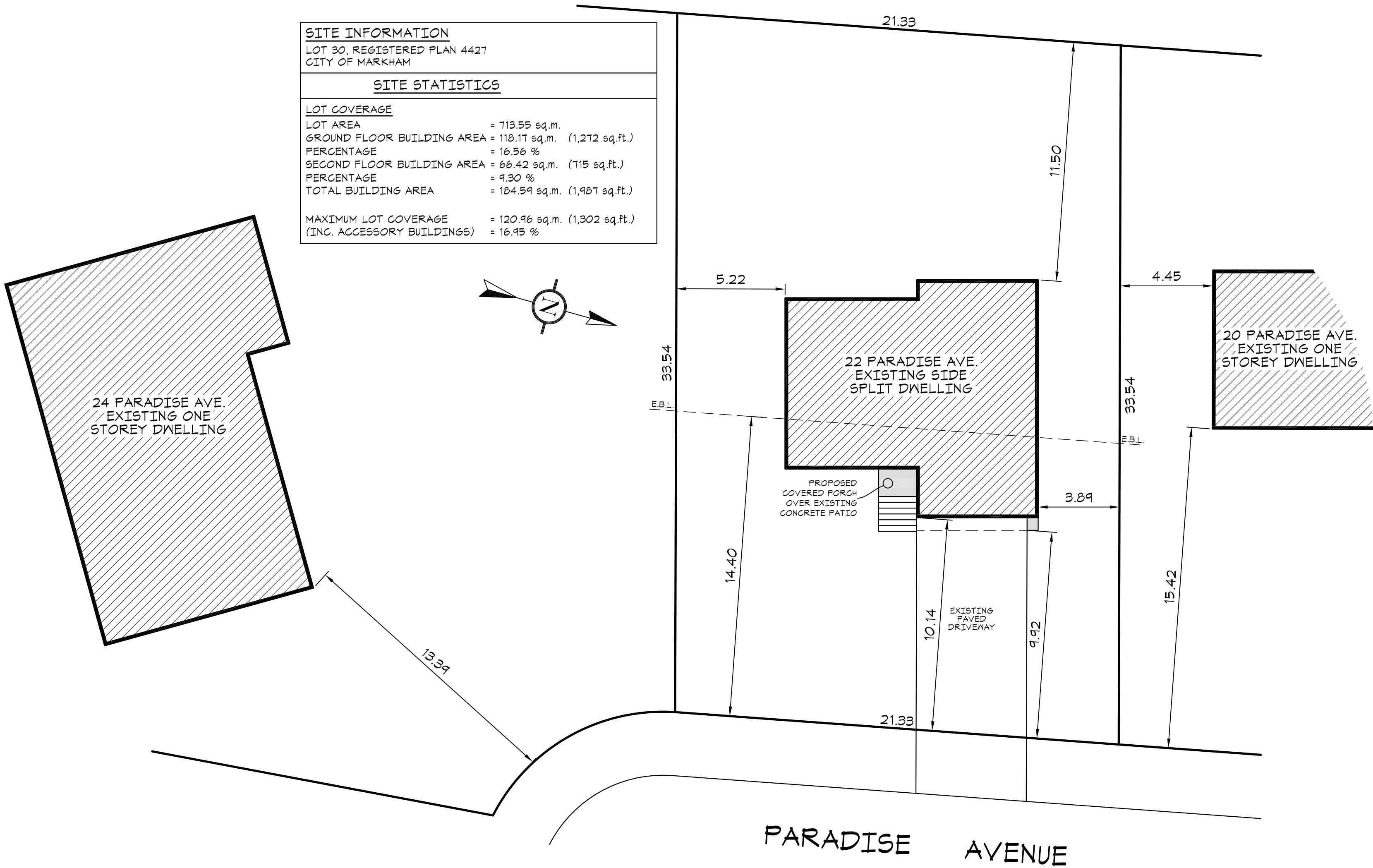
A handwritten signature in black ink, appearing to read "Erin O'Sullivan", written over a light blue horizontal line.

Erin O'Sullivan, Development Technician, Committee of Adjustment

Appendix B

File: 25.113093.000.00.MNV

Date: 4/24/2025
MM/DD/YYYY



- All construction is to conform to section "3" of the Ontario Building Code (latest edition).
- Contractor shall check and verify all notes and dimensions.
- Do not scale drawings.
- Owner / contractor / designer is responsible to re-claim and destroy all drawings and documents.
- These drawings are the property of Gregory Designs and/or its clients only.
- Building permits to be obtained prior to commencing construction.

I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories.

Individual B.C.I.N. - 258205
Firm B.C.I.N. - 30506
Russ Gregory

REVISIONS AND DATA	DATE

**PROPOSED COVERED PORCH
AND EXTERIOR RENOVATIONS
22 PARADISE AVENUE
CITY OF MARKHAM**

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesignsgroup.net

GREGORY DESIGNS

DATE	02/19/25
SCALE	1:150
PROJECT NUMBER	24-65
DRAWN BY	S.Gregory

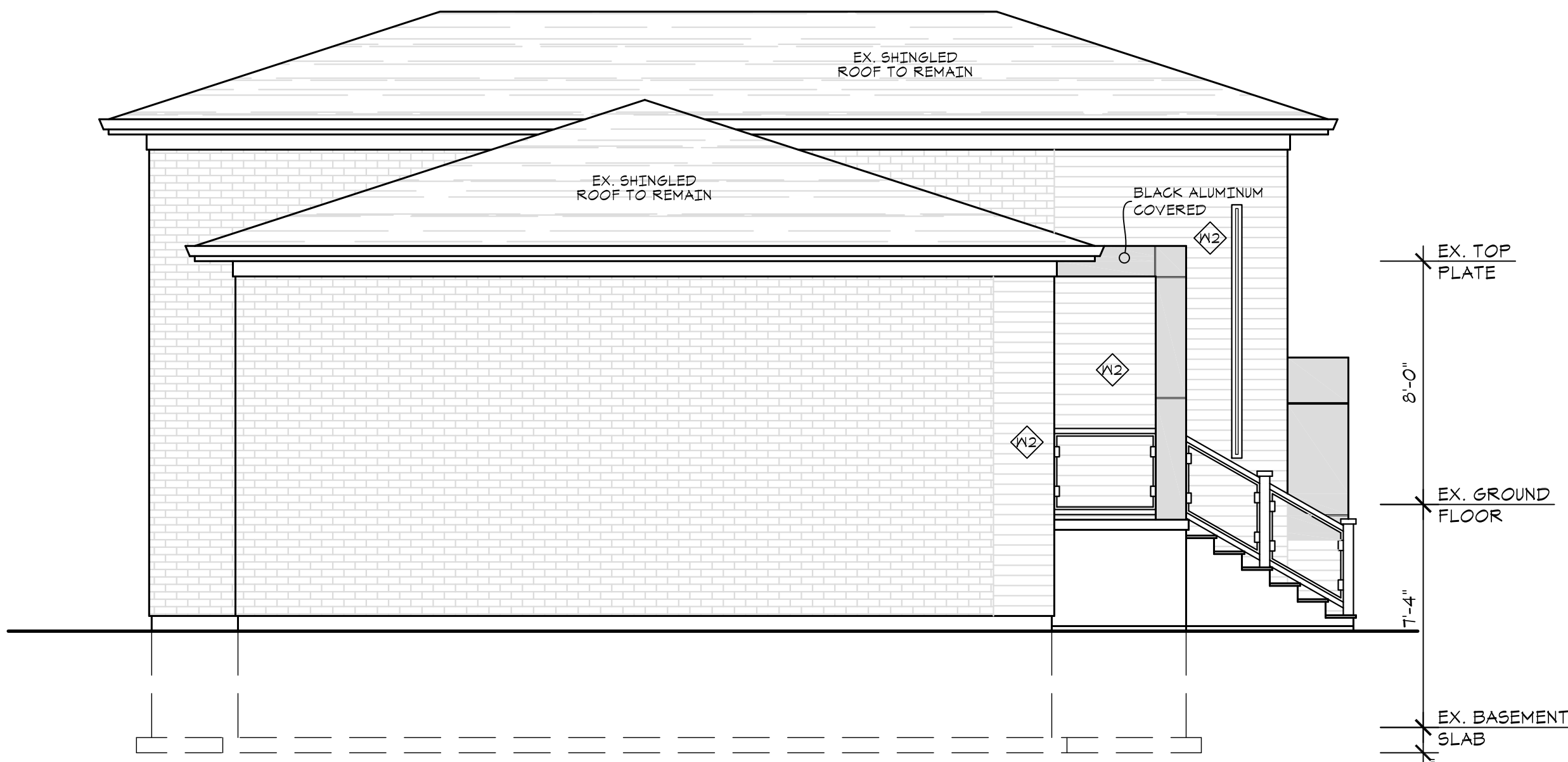
SHEET NUMBER

A1.1

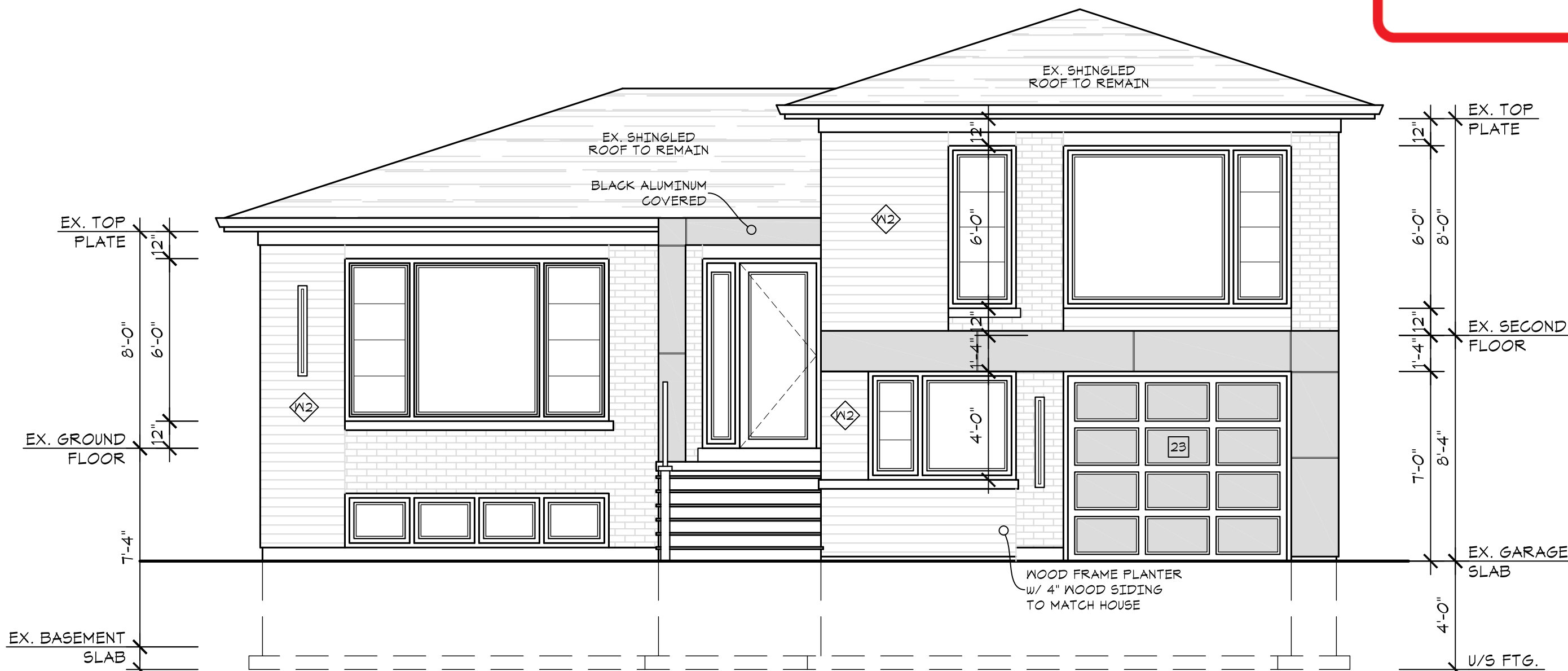
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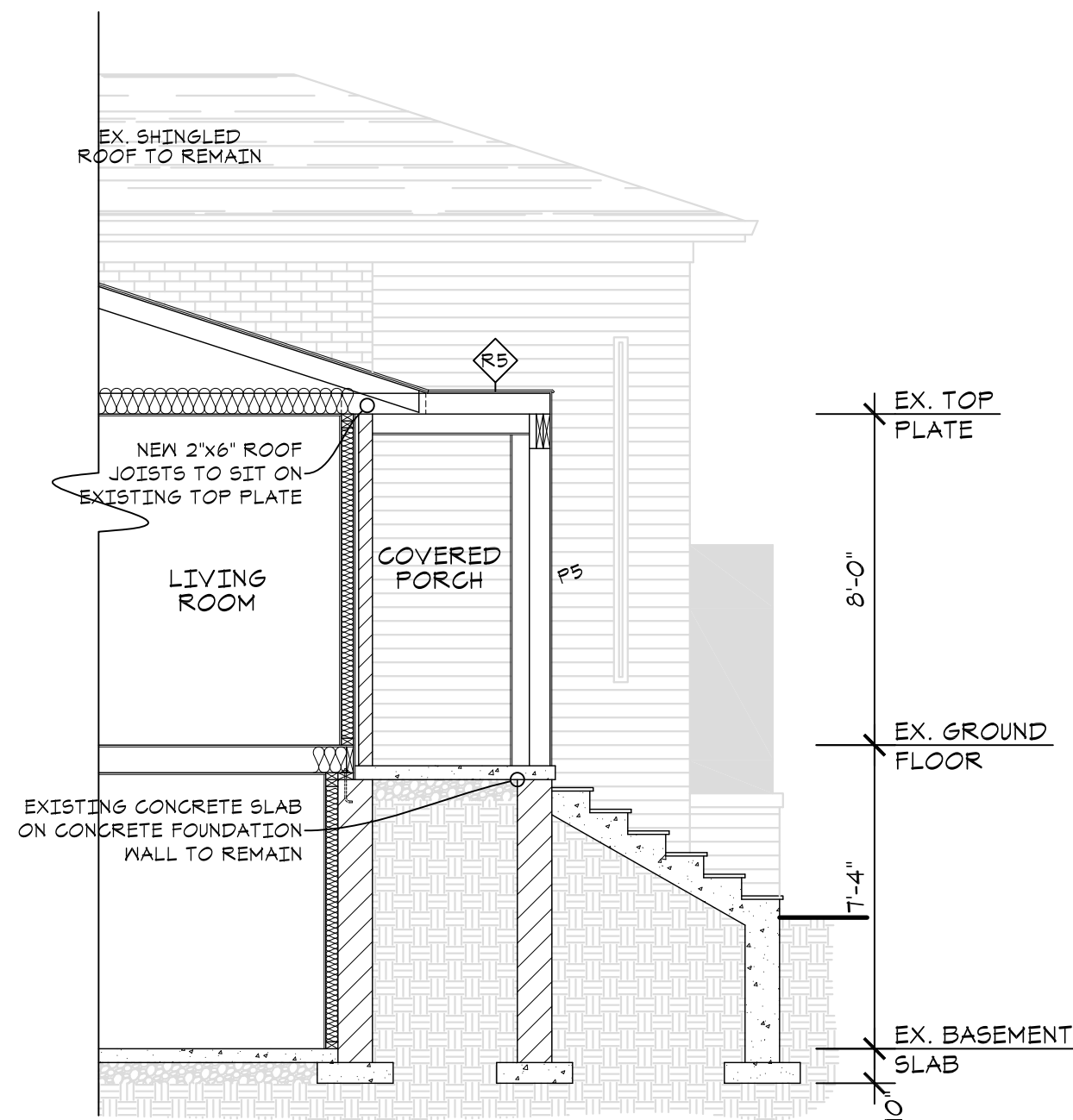


LEFT (SOUTH) SIDE ELEVATION

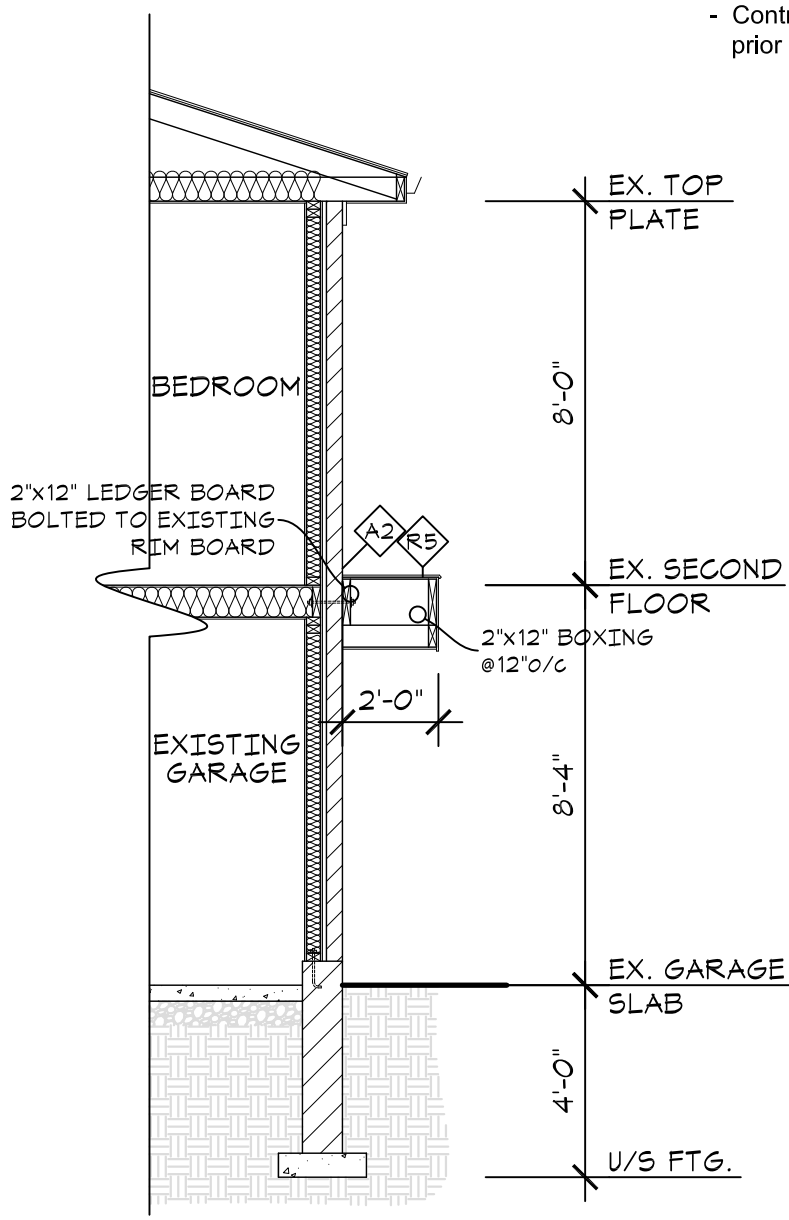


FRONT ELEVATION

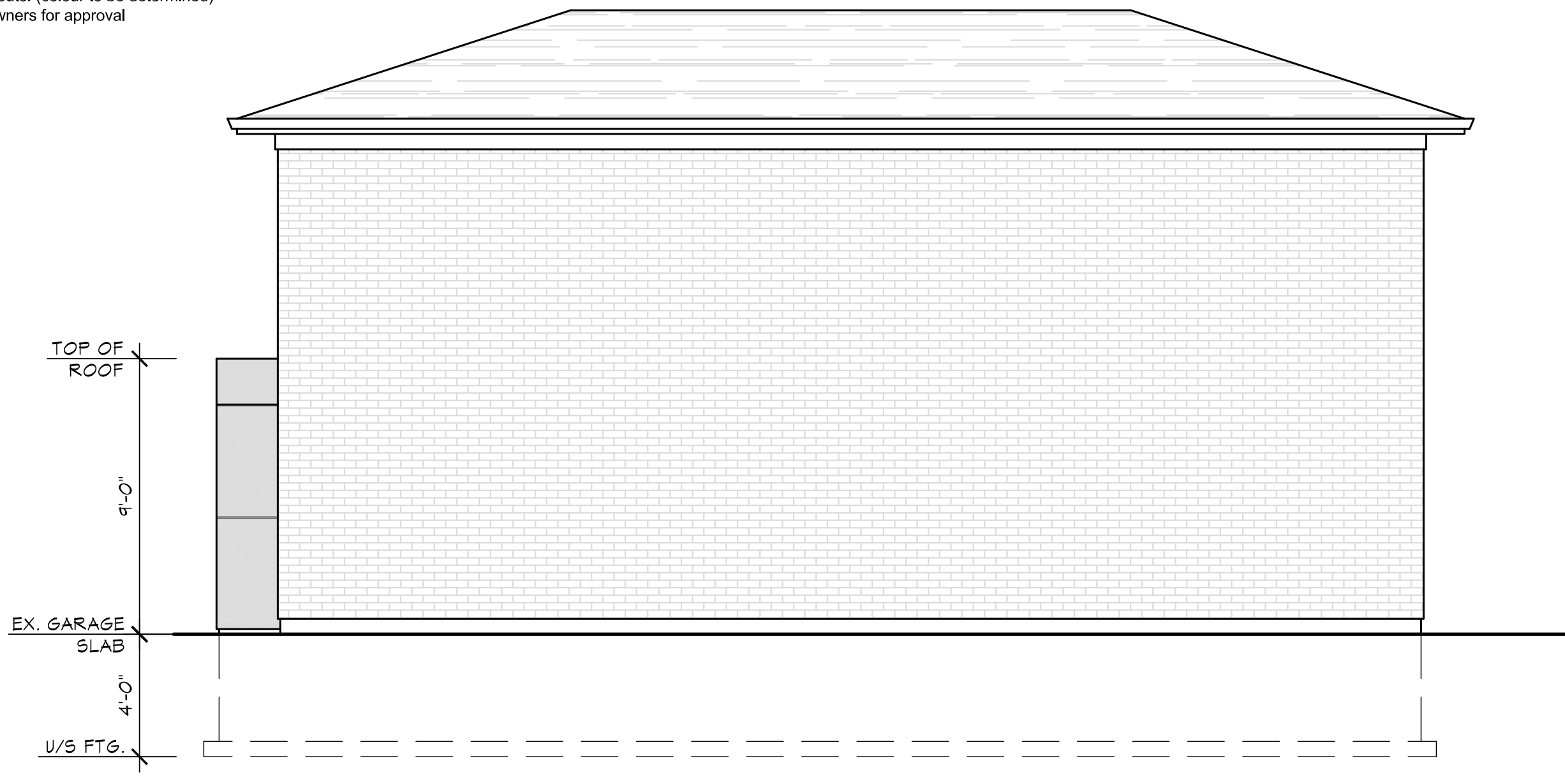
- Notes for Elevations:
- Horizontal wood siding over 1"x3" vertical strapping @ 24" o/c. (colour to be determined)
 - Existing brick veneer painted on site. (colour to be determined)
 - All windows to be double glazed panes in vinyl or aluminum clad frames. (colour to be determined)
 - All exterior door systems to be in vinyl or aluminum clad frames. (colour to be determined)
 - All roofing to be "IKO" Cambridge style asphalt shingles. (colour to be determined)
 - 6" wood frieze board to surround entire house below soffits. (colour to be determined)
 - Heavy gauge aluminum boxing, fascia, soffits, gutters, and downspouts. (colour to be determined)
 - Contractor must supply samples of materials and colours to the Owners for approval prior to installation onsite.



BUILDING SECTION 'A'



BUILDING SECTION 'B'



RIGHT (NORTH) SIDE ELEVATION

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AND EXTERIOR RENOVATIONS
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CITY OF MARKHAM

48 George Street
Markham, Ontario
L3P 2R7
416-520-0978
shane@gregorydesigngroup.net
GREGORY DESIGNS

DATE	12/18/24
SCALE	1/4"=1'-0"
PROJECT NUMBER	24-65
DRAWN BY	S.Gregory

SHEET NUMBER
A3.1